IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

Writ Petition No. 13041 of 2005

Between:

1. V. Pullaiah Shetty, S/o. Late Verraiah, Auditor,
   R/o. D.No. 7/28-1, 7/28-2, at Jayanagar Colony,

Madras Road, Kadapa Town.
2. K. Rama Subbaiah, S/o. Late K. Ramaiah,
   R/o. D.No. 7/29, at Jayanagar Colony, Madras Road,
   Kadapa Town.
3. T. Sanjeevi, S/o. Late Sanjeevaiah,
   R/o. D.No. 7/30 at Jayanagar Colony, Madras Road,
   Kadapa Town.

..... PETITIONERS

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Commissioner, Kadapa Municipality, Kadapa District.
3 The Deputy Director of Survey & Land Records, Kadapa,

Kadapa District.
4 The Revenue Divisional Officer, Kadapa, Kadapa District.
5 The Mandal Revenue Officer, Kadapa, Kadapa District.
6 The Executive Engineer, R & B Department, Kadapa,

Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in threatening the petitioners to demolish the residential houses D.No. 7/28-1, 7/28-2, 7/29 and 7/30, situated at Jayanagar Colony, Madras Road, Kadapa Town which is illegal and arbitrary and unconstitutional and without jurisdiction and violative of Arts.14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the existing structures of the houses as stated above pending disposal of the Writ Petition.

Counsel for the Petitioners: MR.KADASANI SUDERSHAN REDDY
Counsel for the Respondent Nos.1,3 to 6: GP FOR REVENUE

Counsel for the Respondent No.2: MR. S.I. NEWTON.

The Court at the admission stage made the following :

O R D E R :

This writ petition is filed seeking writ of Mandamus, declaring the action of the respondents in threatening the petitioners to demolish the residential houses bearing D. Nos. 7/28-1, 7/28-2, 7/29 and 7/30, situated at Jayanagar Colony, Madras Road, Kadapa Town, which is illegal and arbitrary and unconstitutional and without jurisdiction and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the existing structures of the houses as stated above pending disposal of the Writ Petition.

Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the 2nd respondent/ Kadapa Municipality.

The learned counsel for the petitioners contended that the petitioners are the absolute owners of the houses bearing D. Nos. 7/28-1, 7/28-2, 7/29 and 7/30, situated at Jayanagar Colony, Madras Road, Kadapa Town, and they have not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish their houses in the process of road widening.

On the other hand, the learned counsel for the 2nd respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for demolition of the houses of the petitioners.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities

straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of the houses of the petitioners bearing D.Nos. 7/28-1, 7/28-2, 7/29 and 7/30, situated at Jayanagar Colony, Madras Road, Kadapa Town, without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioners.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated: 17th June, 2005.

NOTE:

Issue wire at party's costs.

B/O

Cs/PRV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kadapa, Kadapa District.
2 The Commissioner, Kadapa Municipality, Kadapa District.
3 The Deputy Director of Survey & Land Records, Kadapa,

Kadapa District.
4 The Revenue Divisional Officer, Kadapa, Kadapa District.
5 The Mandal Revenue Officer, Kadapa, Kadapa District.
6 The Executive Engineer, R & B Department, Kadapa,

Kadapa District.

7. Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T.)

8. 2 CD copies

9. 1 CC to MR.NEWTON

*Form-NIC-OGS/WP{**SPJS**}*